App F IX 4

Previous References 1943 Municipal

File No. 42-43
Serial Nos/24 & 125

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos 2

Part B for June 1944

SUBJECT

Election of Sri A V Gundappa Setty as Vice President of Municipal and Minor Municipal Council

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The Compiler Mysore Gazette
~) Dep'y Commr Hassan D.O.
Lr no 12267 / M 42-43-125 dated
12-6 ah

Approves

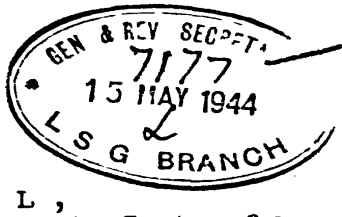
24/7

One file.

Office of the Deputy Commissioner
Hassan District
Dated Hassan the 10th May 1944

From

H Niranjanraj Urs , Esq , B A ,
Deputy Commissioner,
Hassan District, HASSAN



To

C Narayenaswamy Naidu, Esq , B A ,B L ,
Legal Remembrancer & Law Secretary to Govt of Mysore,
B A N G A L O R E

Sir,

Election of a Vice President to Arkalgud Municipality

I have the honour to state that the Minor Municipal Council of Arkalgud resolved on 3-1-1944 to have a Vice President Accordingly the election of a Vice President was conducted at a special meeting held on 3-2-1944 and out of two candidates Mr A V Gundappa Setty who secured the larger number of voters has been declared as duly elected.

On 3-2-44 i e , on the date of election a telegram was received from Ameersab stating that Petta councillors refrained their two voters and wrong-fully confined and ~~and~~ praying that the election may be staye etc , A copy of this telegram was sent to the Sub Division Officer, Hassan for report

An objection petition signed by Mr A V Nagappa and two other Municipal Councillors was presented on 7-2-44 contesting the validity o the election The petition was referred to Sub Division Officer, Hassan for enquiry and report under Rule 13 of the Election Rules

~~xxxxxx~~ The main allegations mentioned in the objection petitio are

1 that the respondent Mr A V Gundappa Setty has secured votes by coercion

2 that he prevented two of the councillors from exersising their right of voting

3 that he gained over the favour of Municipal employees and tried to get votes through them

4 that the election proceedings are not according to rules

The Sub Division Officer, Hassan has reported that the petitioner could not adduce evidence on the first allegation, that the 2nd and 3rd allegations are false

As regards the validity of the election it may be mentioned calendar has been prepare accor ing to Rules, the applications

Election of Vice President to the 8375
Mahajana Mysore Ltd et al P 643

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applications for candidature have been presented in time and disqualifications of the rival candidate have not been specified and proved But the only irregularity is in respect of short notice calling for special meeting for the election of the Vice President The special meeting is fixed to 3-2-44 and the notice is dated - 27-1-1944 According to the proviso to Rule 1(c) of the Election Rules at least 15 days notice of such meeting should be given In this case the interval is only 7 days The date of the special meeting has been noted in the calendar of events which has been published long back ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ The second notice of the 27th Jan 1944 intimating that the special meeting would be held on 3-2-44 has to be considered superfluous As the rules have been complied with in all aspects ~~that~~ the election of Mr A V Gundappa Setty as Vice President may kindly be declared as valid and caused to be notified in the Gazette

The minutes of the proceedings and connected records are enclosed

I have the honour to be,
Sir,
Your most obedient Servant

Hanumaiah Rg L

DEPUTY COMMISSIONER,
HASSAN DISTRICT

HKB

My 15/5/44

In the circumstances stated by the D C
a def notification is made affirming the
election of A. V. Gundappa Setty as V. P

Mem
15/5 Kind references made to para
Dept L 9 of the report of the Assistant Cmsr Hassan
Subdivision on the appeal petition filed in
this behalf Perm may be kindly pursued
of the irregularities referred to therein
are such so material as to vitiate
the election held (Attorney Law Secretary
Work two copy of the Election Rules, on this
subject)

The present case is that the Election of the V P of the Arkalgud Municipal Council held on 3 2 44 is challenged The petitioners filed the application on 7 2/44 to set aside the election on the following grounds —

i — The election was held through coercion & fraud

ii — Two Councillors prevented from voting by being wrongfully confined

iii Municipal Servants used by the successful candidate to get votes

iv Ancestry of 3 1/44 not according to Rules

v — No sufficient personal interval between the Notice & the date of Election

vi Notice of Candidature not given in time

vii Voting not done by Ballot

The said Election Petition was filed under Rule 12 of the Election Rules & C.P.C. as per Rule 13 sub-clause said petition & the Court for enquiry & report

The Court's report & finding & the opinion is that the Petitioners have not proved their allegations, but the only irregularity in the election is found to be that the Notice of the Special meeting for holding the election was not in accordance with Rule 7 (ii) of Section 10(1) noted above

It is an admitted fact that the Notice intimating the date & place of Election was given on 27 1/44 & the Election had to be held on 3 2/44 Thus, it is clear, that there is no interval of clear

fifteen days before the said date, as provided by the proviso to Rule 19 of the Election Rules.

The opinion of the S.D.O. is that the said election proceedings, inasmuch as the date of the Special Meeting had already been fixed in the Calendar of Events as 3/7/44, and the said Calendar was published on 19/4/44 (i.e.) more than 15 days before the date of Election.

No doubt it is obligatory to give the 15 days notice as per proviso to Rule 7. It is equally - but the question whether it has vitiated the proceedings. From the facts and circumstances it is seen that the Calendar of Events was published on 19/4/44. Under the opinion that the Calendar of Events is itself a sufficient notice, and a separate notice was not necessary. There is nothing in the Rules as laid down for publishing a Calendar of Events or the form in which the notice has to be given. It is not the case of the objectors that they were not aware of the date and place of Election. There seems contention is that there was fraud & coercion exercised by the successful Candidate in getting himself elected. This has not been proved. Moreover the Recommendations (Page 29) that the Calendar of Events has been signed by the objectors (Petitioners) shows they were fully aware of the date of Election & also the place where it was to be held by the Calendar of Events passed & each of them on 19/4/44. Therefore there are no grounds to agree with the S.D.O. when he

says that the issue of the further Notice on 27/4/44 was validly accomplished

The Petitioners have not proved their case, & I think that the Election held on 1st in any way invalidated by any irregularity which can by law be entertained

I am sorry therefore I cannot approve of the Election proceedings, & declare the results of the Election

Law Secretary 3 22/5/44

CMS 22/5/44

Addl Secy 3 22/5/44

Dy Secy

The draft notification may be therefore approved

Law Secy 22/5/44

CMS 23-5-44

Addl Secy 8/6/44

CMS 9/6/44

Draft notification

Home Dept 12287 & 12/6/44

Typed 16/6

- 11 MAY 1944 - GOVT OF MYSORE

22 MAY 1944 GOVT OF MYSORE

OFFICE OF THE MINISTER FOR L S G & P H Date 23 5 44 No 8168

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Continuation Sheet	File No. / Current No.	of	Page

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No L12287 / ML42-43-125 General and Revenue Secretariat

Dated, Bangalore 12th June *194*

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NOTIFICATION

Under Section 10(4) of the Mysore Minor Municipalities Act, 1933, Mr. A.V. Gundappa Setty is elected as the Vice-President of the Arkalgud Minor Municipal Council, Hassan District.

By Order,

Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette for publication in Part III-3 of the Gazette and supply of ten copies thereof to the Secretariat and to the Deputy Commissioner of the Hassan District.

Age/12.

Abd

ML 42-43-125

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

L 12287
12 copies

General and Revenue Secretariat

Dated Bangalore 12/6/7

NOTIFICATION

Under ~~Section 23 (4) of the Mysore~~ Section 10 (4) of the Mysore ~~Town Municipalities Act, 1933~~ Minor Municipalities Act 1933 Mr A V Gundappa setty is elected as the Vice President of the Arkalgud ~~Town Municipal Council~~ Minor Municipal Council Hassan District,

By Order,
23/5
Secretary to Government
Law Department

To—The Compiler Mysore Gazette for publication in Part III-3 of Gazette and supply of ten copies thereof to the Secretariat and to the Deputy Commissioner of the Hassan District ~~Concerned~~.

MEMO NO L/12288/W&M 12/6

Copy of the above is forwarded with compliments to the Deputy Commissioner, Hassan District for information with reference to his letter No ML C 2598/43 dated 10-5-1944
The records accompany

By Order,

For Secretary to Government,
Law Department